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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,821	07/25/2001	Jay Muse	112054-0008	7124

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IOMEGA CORPORATION
Patent Administrator - Legal Dept
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EXAMINER

EHICHIOYA, FRED I

ART UNIT PAPER NUMBER

2162

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,821

Applicant(s)

MUSE, JAY

Examiner

Fred I. Ehichioya

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, with respect to claims 1 – 7, filed September 01, 2004 have been fully considered but they are not persuasive for the following reasons.
2. Applicant cancels claims 8 – 11.
3. Applicants argue: "There is no teaching or suggestion in Haff that the remote device only answer and accept the files at or after the preset time" (see Remarks page 4, paragraph 3).
4. In response to applicants' argument, Examiner respectfully disagrees with all of the allegations as argued. Firstly, Examiner wishes to thank the applicants for pointing out and agreeing "Haff merely suggested sending the files at a preset time" (see Remarks page 4, paragraph 3). Secondly, it is inherent and obvious to one of ordinary skill in the art at the time of present invention that if a file is sent at a preset time, the file will be should be received at or after the preset time. Therefore, Haff suggested that the remote device answers and accept the files at or after the preset time. Moreover, in addition to the other limitations, Haff also teaches "C) connect to the remote device after the preset time, the connection made through the communications network (see column 8, lines 21 – 40; column 10, lines 3 – 16 and lines 27 – 31 and column 32, lines 52 - 67)" and "F) accept, in response to the communications network not being used and in

response to the preset time, a connection request from the local device via the communications network (see column 8, lines 41 – 52)".

5. In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action. For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 6, 7 are rejected under 35 U.S.C 102(e) as been anticipated by U.S. Patent 6,219,669 issues to Maurice W. Haff et al (hereinafter "Haff").

Regarding claim 1, Haff teaches a system for transferring files to a remote host comprising:

- a local device (see column 10, line 7);

- a remote device (see column 10, line 5);

- a communications network (see column 10, line 7);

- the local device programmed to perform the steps of:

- A) store a plurality of files on a first mass storage unit (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9);

- B) wait until a preset time (see column 6, lines 19 – 21);

- C) connect to the remote device after the preset time, the connection made through the communications network (see column 8, lines 21 – 40; column 10, lines 3 – 16 and lines 27 – 31); and

- D) transfer the plurality of files to the remote device via the communications network (see column 7, lines 16 – 20);

- the remote device programmed to perform the steps of:

- E) wait until the preset time (see column 6, lines 19 – 21);

- F) accept, in response to the communications network not being used and in response to the preset time, a connection request from the local device via the communications network (see column 8, lines 41 – 52);

G) receive the plurality of files in response to a grant of the connection request, the files received through the communications network from the local device (see column 7, lines 38 – 45; column 9, lines 55 – 67 and column 10, lines 20 – 26);

H) store the plurality of files on a second mass storage unit (see column 2, lines 51 – 54; column 6, lines 28 – 31 and column 9, lines 6 – 9); and

I) when ordered to by the remote host, transfer the plurality of files from the second mass storage unit to the remote host (see column 7, lines 46 – 52 and column 10, lines 41 – 47).

Regarding claim 3, Haff teaches a local host, the local host transmitting the plurality of files to the local device (see column 10, lines 20 – 26).

Regarding claim 6, Haff teaches a message transmitted to the remote host (see column 8, lines 53 – 59).

Regarding claim 7, Haff teaches wherein the communications network further comprises: a public switched telephone network (see column 2, lines 4 – 6 and column 6, lines 25 – 28).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haff in view of U.S. Patent 6,381,589 issued to JP Leon (hereinafter "Leon").

Regarding claim 2, Haff discloses the claimed subject matter, as discussed in claim 1. Haff shows in figure 1, a computer network connects multiple PCS 10 via User Datagram Protocol (UDP) for transferring files. Haff does not explicitly teach a universal serial bus (USB) connector, the USB connector connected to the local device such that the local device can receive files via the USB connector.

Leon teaches a universal serial bus (USB) connector, the USB connector connected to the local device such that the local device can receive files via the USB connector (see column 4, lines 50 – 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Haff with the teaching of Leon wherein the USB can be substituted for UDP. Universal Serial Bus can also connect multiple PCs and serves the same purpose of communicating/transferring data between local and remote devices. The motivation is that USB can connect up to 127 peripherals, such as external CD-ROM drives, printers, modems, mice, and keyboards, to the system through a single, general-purpose port.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haff in view of U.S. Patent 6,198,920 issued to William Doviak et al (hereinafter "Doviak").

Regarding claim 4, Haff discloses the claimed subject matter, as discussed in claim 1. Haff discloses in column 8, lines 21 – 28 "a computer data signal embodied in a propagation medium is provided. The signal enables a variable number of data transfers and includes an initial connection source code segment and a data transfer source code segment. The initial connection source code segment establishes a connection between two devices via predetermined listening ports, with at least one predetermined listening port residing within each device". Haff does not explicitly teach means for issuing a warning signal in response to both the communications network being used and in response to the preset time.

However, Doviak teaches means for issuing a warning signal in response to both the communications network being used and in response to the preset time (see column 13, lines 56 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Haff with the teaching of Doviak wherein inbound/outbound data event handler issues a signal in response to communications network. The motivation is that data event handler indicates when the data is available to both the local and remote devices.

Regarding claim 5, Haff discloses the claimed subject matter, as discussed in claim 4. Haff discloses in column 2, lines 7 – 9 a modem that enables file transfers and communications and communications between computers. Haff also shows in column

11, lines 38 – 42, a method of periodically determining whether each remote device is actively connected to a local device. Haff does not explicitly teach an audible sound.

Doviak teaches an audible sound (see column 32, lines 63 – 67 and column 33, lines 3 - 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Haff with the teaching of Doviak wherein an muting function can be substituted for modem and the device that periodically determining whether each remote device is actively connected to a local device. Muting function is used for receiving the transmit grant signal from the radio. The motivation is that the muting function can be used for silencing received signals rather than voice traffic, which enables a remote user to mute the audible noise of the data traffic, which can be annoying to the remote user.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Patent Examiner
Art Unit 2162

February 1, 2005


SHAHID ALAM
PRIMARY EXAMINER